

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-008772

06/17/2014

HON. JOHN REA

CLERK OF THE COURT
L. Gilbert
Deputy

DON SHOOTER

TIMOTHY A LASOTA

v.

TOBY FARMER, et al.

KEITH BEAUCHAMP

MICHELE LEE FORNEY
COLLEEN CONNOR

MINUTE ENTRY

East Court Building – Courtroom 414

Prior to commencement of the hearing, Plaintiff's exhibits 1 – 3 are marked for identification and Defendant Toby Farmer's exhibits 4 and 5 are marked for identification.

9:57 a.m. This is the time set for hearing re: election contest. Plaintiff is present and represented by counsel, Timothy A. Lasota and William M. Fischbach. Defendant Toby Farmer is represented by counsel, Keith Beauchamp. Colleen Connor is present on behalf of the Maricopa County Board of Supervisors and the Maricopa County Recorder. Michele Forney is present on behalf of the Secretary of State.

A record of the proceedings is made by audio/videotape in lieu of a court reporter.

For the reasons stated on the record,

IT IS ORDERED denying Defendant's Motion to Dismiss.

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Opening statements.

Linda Gale is sworn and testifies.

Plaintiff's exhibit 1 is received in evidence.

The witness is excused.

James Slater is sworn and testifies.

The witness is excused.

Frederick Ross, Jr. is sworn and testifies.

The witness is excused.

Jason Thomas McLaughlin is sworn and testifies.

The witness is excused.

Lori Walls is sworn and testifies.

The witness is excused.

Amanda Rusing is sworn and testifies.

The witness is excused.

Defendant moves for directed verdict.

For the reasons stated on the record,

IT IS ORDERED denying Defendant's motion.

William Flynn is sworn and testifies.

Defendant Toby Farmer's exhibit 5 is received in evidence.

Plaintiff's exhibit 6 is marked for identification.

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The witness is excused.

Plaintiff's exhibit 7 is marked for identification.

Plaintiff's exhibit 7 is received in evidence.

The witness is excused.

The parties rest.

Closing arguments.

The Court finds that it is clear from the evidence presented that there were forgeries on the petitions, that someone other than the persons whose name appear on the petitions signed the petitions on seven occasions.

The Court further finds that it is clear that Defendant Farmer signed the Circulator's Oath indicating that the people who signed the petitions did so in his presence. However, there has been no evidence that Mr. Farmer knew that the forgeries were occurring.

The forged signatures will be excluded from the count of valid signatures. Even with that exclusion, Mr. Farmer has obtained a sufficient number of signatures to appear on the ballot.

The Plaintiff's claim of petition forgery has not been proven. Therefore,

IT IS ORDERED denying the relief requested by Plaintiff.

4:07 p.m. Matter concludes.

Pursuant to the ruling entered, and there being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked or their written designee. Counsel/party or written designee shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibit Department of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

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ISSUED: Exhibit Release Form (1)

IT IS FURTHER ORDERED signing this minute entry as a final written Order of the Court.

Under A.R.S. § 16-351(A), any notice of appeal must be filed within five calendar days after the Superior Court's decision in a challenge to the nomination of a candidate. See *Bohart v. Hanna*, 213 Ariz. 480, 143 P.3d 1021 (2006). An appeal that is belatedly prosecuted, such as one filed on the last day of the statutory deadline, may be dismissed on ground of laches even if timely filed. See *McClung v. Bennett*, 2205 Ariz. 154, 235 P.3d 1037 (2010). Special procedural rules govern expedited appeals in election cases. Ariz. R. Civ. App. P.8.1

FILED: Exhibit Worksheet

/S/ JOHN C. REA

HONORABLE JOHN C. REA
JUDGE OF THE SUPERIOR COURT